

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

IMPLICIT, LLC,

Plaintiff,

v.

NETSCOUT SYSTEMS, INC.,

Defendant.

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CIVIL ACTION NO. 2:18-CV-00053-JRG

**MINUTES FOR JURY TRIAL DAY TWO
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
December 10, 2019**

OPEN: 8:25 a.m.

ADJOURN: 5:00 p.m.

ATTORNEYS FOR PLAINTIFF:	See attached.
ATTORNEYS FOR DEFENDANTS:	See attached.
LAW CLERKS:	Taylor Fitzner Christian Chessman
COURT REPORTER:	Shelly Holmes, CSR-TCRR
COURTROOM DEPUTY:	Jan Lockhart

<u>TIME</u>	<u>MINUTES</u>
8:25 a.m.	Court opened. Messrs. Wilson and Lang read into the record exhibits used prior day.
8:30 a.m.	Direct examination of Kevin Almeroth, Ph.D. by Mr. Hurt.
9:27 a.m.	Courtroom sealed.
10:13 a.m.	Bench conference. Direct examination of Kevin Almeroth, Ph.D. by Mr. Hurt.
10:14 a.m.	Recess. Courtroom unsealed.
10:15 a.m.	Recess.
10:46 a.m.	Court reconvened. Jury returned to the courtroom. Direct examination of Kevin Almeroth, Ph.D. by Mr. Hurt
10:51 a.m.	Courtroom sealed.
11:45 a.m.	Courtroom unsealed.
11:54 a.m.	Mr. Hurt passed the witness. Lunch recess.
12:53 p.m.	Cross examination of Kevin Almeroth, Ph.D. by Mr. Buresh.

TIME	MINUTES
1:30 p.m.	Bench conference.
1:31 p.m.	Cross examination of Kevin Almeroth, Ph.D. by Mr. Buresh.
1:33 p.m.	Bench conference.
1:35 p.m.	Cross examination of Kevin Almeroth, Ph.D. by Mr. Buresh.
1:53 p.m.	Courtroom sealed.
2:13 p.m.	Courtroom unsealed. Recess
2:26 p.m.	Court reconvened. Redirect examination of Kevin Almeroth, Ph.D. by Mr. Hurt.
2:34 p.m.	Bench conference. Courtroom sealed.
	Redirect examination of Kevin Almeroth, Ph.D. by Mr. Hurt.
2:51 p.m.	Recross examination of Kevin Almeroth, Ph.D. by Mr. Buresh.
2:52 p.m.	Parties Direct examination of Keith Ugone, Ph.D. by Mr. Davis.
4:10 p.m.	Jury excused recess. Hearing outside the presence of the Jury.
4:12 p.m.	Recess.
4:25 p.m.	Jury returned to the courtroom. Cross of Keith Ugone, Ph.D. by Mr. Kean.
4:46 p.m.	Bench conference.
4:49 p.m.	Court's instruction to the Jury. Cross examination of Keith Ugone, Ph.D. by Mr. Kean.
4:54 p.m.	Redirect examination of Keith Ugone, Ph.D. by Mr. Davis.
4:55 p.m.	Parties passed the witness. Plaintiff rests.
4:57 p.m.	Jury excused until 8:30 a.m. Hearing outside the presence of the Jury.
5:00 p.m.	Court adjourned.